

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.145 of 2013

Dr.N.P.Murugesan

... Petitioner

Vs.

V.D.S.Kumarvadivel

... Respondent

Prayer: Criminal Revision case filed under Section 397 & 401 of Cr.P.C. praying to set aside the order passed in S.T.C.No.221 of 2011 by the learned Judicial Magistrate (Fast Track Court No.I), Erode dated 25.08.2012 which was confirmed against the petitioner in C.A.No.163 of 2012, dated 18.12.2012 on the file of the Principal Sessions Judge, Erode.

For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mr.V.S.Kesavan

O R D E R

This Criminal Revision Case has been preferred by the accused, who was convicted for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay a fine of Rs.5000/-. The lower appellate Court dismissed the appeal and confirmed the conviction and sentence passed by the trial Court in S.T.C.No.221 of 2011, dated 25.08.2012.

2. While preferring the revision petition, the petitioner has sought for suspension of sentence vide order dated 08.02.2013, has suspended the sentence pending disposal of the revision petition on condition that the revision petitioner/accused shall deposit 25% of amount payable to the credit of S.T.C.No.221 of 2011, on the file of the Judicial Magistrate, F.T.C.No.I, Erode, within a period of four weeks from the date of receipt of copy of the order.

3. The learned counsel appearing for the petitioner submitted that since the parties have already entered into compromise and a sum of Rs.3,90,000/- has already been given to the complainant.

4. The compromise entered between the parties also furnished to this Court for perusal. In the light of the terms of compromise, it is just and necessary to dispose of the revision petition in terms of compromise entered between the parties. Accordingly, the parties are permitted to compound in terms of Memorandum of Compromise, since Rs.3,90,000/- has already been given to the complainant towards full satisfaction. A sum of Rs.1,00,000/- deposited to the credit of S.T.C.No.221 of 2011, on the file of the Judicial Magistrate, F.T.C.No.I, Erode is permitted to withdraw by the revision petitioner/accused.

5. Hence, the Criminal Revision case No.145 of 2013 is allowed. The order of the trial Court passed by the Judicial Magistrate, F.T.C.No.I, Erode in S.T.C.No.221 of 2011 dated 25.08.2012 is hereby set aside. The fine amount if any, paid by the revision petitioner shall be refunded.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rpl

To

1. The Principal Sessions Judge,
Erode.
2. The Judicial Magistrate,
F.T.C.No.I, Erode

+1 cc to M/s.Corner Stone Associates, S.R.No.15937

RSV(CO)
SSM(20/03/2019).

Cr1.R.C.No.145 of 2013

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